IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Civil Revision Application NO. 165 OF 2006

Shri Vishnu D. Misal .... Applicant.
VS.
Smt. Rukmini Suresh Uttekar and ors. ... Respondents

Mr. S. S. Raikar for petitioner
Mr. U.S. Upadhya for respondents

CORAM: D. G. KARNIK **J.**

DATE: 12th September, 2006.

P.C.:

1. Heard counsel for the parties for some time.

2. This Revision application is directed against the judgment and order of the 7th Adhoc Additional District Judge, Pune , confirming the decree for possession passed under the Bombay Rent and Lodging Homes Rates Control Act against the petitioner. The trial court as well as the lower appellate court have concurrently held that the respondent requires the suit premises reasonably and bona fide. The respondent no.1 is residing in a rented premises and the premises are to be acquired for road widening. In the circumstances it was held that the respondent no.1 requires the suit premises for her own occupation. This is a possible finding of fact which

cannot be interfered with in exercise of revisional jurisdiction. In the circumstances the revision application is rejected.

3. At the request of the learned counsel for the revision applicant, execution of the decree passed by the lower court is stayed for a period of 4 months subject to the petitioner and his family members filing the usual undertaking in this court within 4 weeks.

(D.G. KARNIK J.)